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Correction of Final Status of Last Office Action

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In the United States Patent and Trademark Office

APR - 6 2004

In re application of:

Turfitt : Art Unit: 3724
AN 10/080,268 : Examiner: Goodman, Charles
Filed: 02/19/2002 : Atty's Docket: LARUE-8
For: Polycrystalline Cubic Boron Nitride (PCBN) Woodworking Tools and
Methods (confirmation no. 6966)

OFFICIAL

**CORRECTION OF FINAL STATUS OF LAST
OFFICE ACTION**

Honorable Commissioner of Patents and Trademarks
Alexandria, VA 22313

Sir:

With regard to the above-identified application, the last office action mailed 12/03/2004 was non-final. However, PAIR has this office action listed as final. Please correct the status of this office action to non-final. Thank you.

Respectfully submitted,



N. Elizabeth Pham, Reg. No. 49,042

Customer Number 29106

Attorney for Applicant

11330 Valley Dale Drive, Dallas TX 75230

214-363-3038 groover@technopatents.com April 5, 2004

Enclosure: 12/03/2004 Office Action (5 pages)

Correction of Final Status of Last Office Action – Serial No. 10/080,268.....Page 1



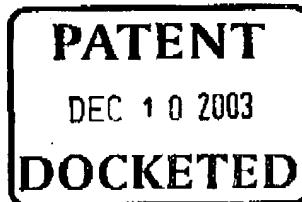
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/080,268	02/19/2002	Ronald Turnit	LARUE-8	6966
29106	7590	12/03/2003	EXAMINER	
ROBERT GROOVER III			GOODMAN, CHARLES	
11330 VALLEYDALE DR.			ART UNIT	PAPER NUMBER
DALLAS, TX 75230			3724	

DATE MAILED: 12/03/2003

Please find below and/or attached an Office communication concerning this application or proceeding.



Lane - 8

Amr 3/3/04

Office Action Summary

Application No.	Applicant Address
10/080,268	TURFITT ET AL.
Charles Goodman	3724

*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --***Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 8/6/03.

2a) This action is FINAL. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1,2 and 4-11 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) 1,2 and 4-11 is/are rejected.

7) Claim(s) _____ is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) The proposed drawing correction filed on _____ is: a) approved b) disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.

12) The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some * c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) The translation of the foreign language provisional application has been received.

15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) Notice of References Cited (PTO-892) 4) Interview Summary (PTO-413) Paper No(s). _____

2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) Notice of Informal Patent Application (PTO-152)

3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) Other: _____

Application/Control Number: 10/080,268
Art Unit: 3724

Page 2

DETAILED ACTION

1. The Amendment filed on August 6, 2003 has been entered.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(c), (f) or (g) prior art under 35 U.S.C. 103(a).

4. Claims 1, 2, and 4-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Felde (DE 42 00 420 A1) in view of the Admitted Prior Art (hereinafter referred to as Prior Art - p. 3).

Felde discloses the invention substantially as claimed except for the cubic boron nitride (CBN) tip. It appears that the tip is PCD. Note c. 2, ll. 55-60. However, the Prior Art teaches that PCD and CBN tips are equivalent in the art. Application

Application/Control Number: 10/080,268
Art Unit: 3724

Page 3

Specification, p. 3, ll. 17-25. Thus, it would have been obvious to the ordinary artisan at the time of the instant invention to substitute the CBN tip as taught by the Prior Art for the PCD of Felde, since both are deemed to be equivalent hard materials for the cutting tips in the sawing art, since they both work equally well, and a selection of one or the other would have been an obvious matter of design choice.

Response to Arguments

5. Applicant's arguments with respect to claims 1, 2 and 4-11 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles Goodman whose telephone number is (703) 308-0501. The examiner can normally be reached on Monday-Thursday between 7:30 AM to 6:00 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Allan Shoap, can be reached on (703) 308-1082.

Application/Control Number: 10/080,268
Art Unit: 3724

Page 4

In lieu of mailing, it is encouraged that all formal responses be faxed to (703) 872-9306. Any inquiry of a general nature or relating to the status of this application should be directed to the receptionist whose telephone number is (703) 308-1148.


Charles Goodman
Primary Examiner
AU 3724

cg 
October 20, 2003

CHARLES GOODMAN
PRIMARY EXAMINER